IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL,

TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7767 of 2005

Between:

Penmatcha Vijaykimar, S/o. Venkata Rama Raju,
R/o. of Bheemaboinapalem Village, Makavarapalem Mandal,
Visakhapatnam District.

..... PETITIONER

AND

1 The District Collector, Visakhapatnam District, Visakhapatnam.
2 The Revenue Divisional Officer, Narsipatnam, Visakhapatnam District.
3 The Mandal Revenue Officer, makvarapalem Mandal, Visakhapatnam

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue appropriate writ, order, or direction, more particularly, a writ of Mandamus declaring the action of the respondent No.3 in issuing proceeding Rc.No.88/85/A, dt. 28.3.2005 seeking to summarily evict the petitioner from the land in an extent of Ac.5.02 cents in Survey No. 131-2 of Bheemaboinapalem Village, Makavarapalem Mandal, Visakhapatnam District, as illegal, arbitrary and without jurisdiction, and, to issue consequential direction directing the respondents not to interfere with the possession of the petitioner in respect of the aforesaid land till conclusion of the proceedings initiated under the A.P. assigned Lands (Prohibition of Transfers), Act, 1977 and the A.P. (A.A.) Inams Abolition Act and pass such further orders or orders as this Hon'ble Court may deem fit in the circumstances of the case.

Counsel for the Petitioner:MR.J.PRABHAKAR

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

O R D E R:

The petitioner was served with a notice dated 28-03-2005 issued by the third respondent, the Mandal Revenue Officer under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rule, 1977, calling upon him to show cause as to why he should not be summarily evicted from the land-in-question.

The grievance of the petitioner is that though still there is time for submitting explanation to the impugned notice, the respondents have been taking steps to dispossess him, highhandedly. Hence, this writ petition.

Having heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents, the Writ Petition is disposed of with a direction to the respondents not to interfere with the possession of the petitioner in respect of the land-in-question without passing final order based on the notice dated 28-03-2005. No costs.

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(**G. ROHINI, J**)

Date: 08-04-2005

Note: Issue CC in three days.

B/o

ghn

To

1 The District Collector, Visakhapatnam District, Visakhapatnam.
2 The Revenue Divisional Officer, Narsipatnam, Visakhapatnam District.
3 The Mandal Revenue Officer, Makavarapalem Mandal, Visakhapatnam

District.

4 Two C.Cs to the Government Pleader for Revenue, High Court Buildings,

A.P., Hyderabad (OUT)

5 2 CD copies

6 1 CC to MR.PRABHAKAR

*Form-NIC-OGS/WP{**JGK**}*